

REMARKS

Claims 11-18, 20, 21 and 25-32 have been examined. Claims 11, 12, 14-18, 21 and 25-32 have been rejected under 35 U.S.C. § 102(b) and claims 13 and 20 have been rejected under 35 U.S.C. § 103(a).

I. Rejection under 35 U.S.C. § 102(b) over U.S. Patent No. 3,655,145 to Olsen (“Olsen”).

Claim 11

Applicant submits that claim 11 is patentable over the cited reference. For example, claim 11 recites, “wherein a magnetic tape drawing-out port...is provided on a side surface of said cartridge case at a position apart from one of four corners of said cartridge case, said position apart from said one corner being located between a position corresponding to a screw hole used for assembling upper and lower cases and provided in said one corner of said cartridge case, and a position corresponding to a reference hole that is provided in an outer periphery of a surface of said cartridge case...wherein said reference hole is not provided in any of said four corners of said cartridge case.”

In view of the claim amendments submitted on May 8, 2007, the Examiner has withdrawn the characterization of holes 88, 68 and 70 of Olsen as disclosing the claimed reference hole, but continues to maintain that hole 32 corresponds to the claimed reference hole. In response to the Applicant’s arguments in the May 8, 2007 Amendment, the Examiner asserts that only one screw hole is claimed and since holes 32 of Olsen are inherently reference holes,

hole 32 in the upper right of the cartridge in FIG. 1 of Olsen corresponds to the claimed reference hole and hole 32 in the upper left corner corresponds to the claimed second reference hole.

Applicant respectfully traverses the Examiner's position. For example, claim 11 explicitly recites that the screw hole is provided in a corner of the cartridge case and the reference hole is not provided in any of the four corners of the cartridge case. Applicant submits that such recitation is not indefinite or otherwise because portions along a periphery of the surface of the cartridge case are clearly set forth, i.e., corners and non-corner portions. The actual size, etc., of each corner is not important as long as a reference hole is provided in a portion not deemed to constitute a corner, but yet still along the periphery of the surface of the case.

Turning to the substance of the rejection, as set forth above, the Examiner is attempting to maintain that at least one of the screw holes 32 of Olsen discloses the claimed reference hole. However, as shown in Olsen, and as is customary in the art, all four of the screw holes 32/screws 34 are provided at the four corners of the cartridge case. Thus, none of the screw holes of Olsen can be alleged to disclose the claimed reference hole.

If, on the other hand, the Examiner attempts to allege that the screw holes 32 are not provided in corner portions of the cartridge case (i.e., that each corner of the case comprises a small portion not encompassing the screw holes 32), the reference would still fail to teach or suggest the claimed invention. In particular, if Applicant assumed *arguendo* that the positions of screw holes 32 are outside alleged "corners" of the case, Olsen would disclose four alleged

reference holes, but no screw holes, and therefore would still fail to disclose the claimed invention.

Claims 15 and 16

Claims 15 and 16 recite subject matter analogous to claim 11, and therefore are allowable for the similar reasons claim 11 is shown to be allowable.

Claims 12, 14, 17, 18, 21, 25-32

Claims 12, 14, 17, 18, 21, 25-32 depend from one of the independent claims that have been shown to be allowable, and therefore they are allowable at least by virtue of their dependency.

II. Rejection under 35 U.S.C. § 103(a) over Olsen.

Claims 13 and 20

Claims 13 and 20 depend from one of the independent claims that have been shown to be allowable, and therefore they are allowable at least by virtue of their dependency.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/796,123

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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